

#### **Rule 1007-1. Mailing List.**

**(a) Format.** The debtor shall prepare and submit with the petition a mailing list of creditors that strictly complies with the format established by the Clerk. The Clerk's format for the mailing list, a sample mailing list, and a "trouble sheet" are provided at **Appendices 2, 3, and 4.**

~~**(b) Submission.** Unless the Court excuses compliance, any mailing list that is not filed electronically shall be submitted in ".txt" format on a 3.5 inch diskette. Such a mailing list shall be in lieu of the hard copy mailing list otherwise required by Fed.R.Bankr.P. 1007-1. The file containing the mailing list shall be identified on the diskette using the debtor's last name (e.g., "smith.txt"). Each such mailing list shall be submitted on a separate diskette in an envelope marked with the debtor's full name.~~

#### **Rule 2002-4. Returned Mail.**

Upon receipt of any notice or other document ~~mailed by the Bankruptcy Noticing Center and returned to the debtor or debtor's attorney~~ as undeliverable, the ~~debtor or debtor's attorney~~ recipient of the returned mail shall make a reasonably diligent effort to determine the correct address for the creditor or other party in interest. Unless the ~~debtor or debtor's attorney~~ recipient cannot determine the correct address for the creditor or other party in interest, the ~~debtor or debtor's attorney~~ recipient of the returned mail shall;

- (a) serve the notice or other document on the creditor or other party in interest;
- (b) file a certificate of service reflecting service of the notice or other document on the creditor or other party in interest; and
- (c) if the recipient of the returned mail is anyone other than the debtor or the debtor's attorney, advise the debtor or the debtor's attorney of the correct address, who shall then amend the debtor's mailing list to reflect the correct address; or
- (d) if the recipient of the returned mail is the debtor or the debtor's attorney, amend the debtor's mailing list to reflect the correct address.

#### **Rule 2014-2. Withdrawal or Substitution of Counsel.**

**(a) Withdrawal as counsel for a debtor following retention of substitute counsel.** If an attorney wishes to withdraw as counsel for a debtor and the debtor has retained substitute counsel:

(1) ~~In all chapters, either~~ Either the withdrawing attorney or the substitute counsel shall file a motion to substitute counsel and a proposed order granting the motion. In addition, in a chapter 7 case, if the withdrawing attorney has rendered or has agreed to render additional services, or has received or has been promised additional payments, since the filing of the withdrawing attorney's original disclosure of compensation, the withdrawing attorney shall file a supplemental disclosure of compensation in compliance with LBR 2016-1(a). In cases under all other chapters, the withdrawing attorney shall file:

. . .

**(b) Withdrawal as counsel for a debtor without retention of substitute counsel.** If an attorney wishes to withdraw as counsel for a debtor and the debtor has not retained substitute counsel:

. . .

(2) Upon entry of an order granting a motion to withdraw in a chapter 7 case, if the withdrawing attorney has rendered or has agreed to render additional services, or has received or has been promised additional payments, since the filing of the withdrawing attorney's original disclosure of compensation, the withdrawing attorney shall file a supplemental disclosure of compensation in compliance with LBR 2016-1(a). In cases under all other chapters, the withdrawing attorney shall file:

. . .

#### **Rule 2016-1. Compensation of Estate Professionals.**

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**(c) Debtors' attorneys' fee applications in chapter 13 cases.** In a chapter 13 case, the debtor's attorney shall file within 40 days of confirmation of the debtor's plan a fee application for all services rendered and expenses incurred through confirmation.

**(ed)** . . .

**(de)** . . .

#### **Rule 3015-3. Chapter 12 and Chapter 13 Plans: Confirmation Procedures.**

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**(b) Chapter 13.**

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**(4) Amended notice of chapter 13 confirmation hearing. . . .**

If a debtor properly serves and files an amended notice of confirmation hearing, the originally scheduled confirmation hearing shall be deemed cancelled without further notice.

**(5) Confirmation hearing not held.** If no objections to a chapter 13 plan are timely filed following appropriate notice and service, and if the case trustee reports to the Court that the plan may be confirmed as filed, the scheduled confirmation hearing will not be held, and the confirmation order may be entered forthwith.

**(6) Required content of a proposed chapter 13 confirmation order. . . .**

**Rule 3071-1. Chapter 12 and Chapter 13 Plans: Pre-confirmation Modification.**

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**(c) Effect of Filing and Serving a Modified Plan.** If a debtor properly files, serves, and notices for hearing a modified plan, any previously filed plan and any objections to a previously filed plan shall be deemed moot, and any previously scheduled confirmation hearing shall be deemed cancelled without further notice.

**Rule 3072-2. Chapter 13 Discharge Prior to Completion of Plan Payments (Hardship Discharge).**

**(a) Prior to completion of all plan payments.** A debtor seeking discharge prior to completion of all plan payments shall:

. . .

**(b) Following completion of all plan payments.** When the chapter 13 trustee is satisfied the debtor has completed all plan payments, including any payments of disposable income, the chapter 13 trustee shall file a notice of eligibility for discharge. The notice of eligibility for discharge shall include:

- (1) the last date (e.g. August 1, 2006) by which an objection or other response must be filed and served on parties in interest in compliance

with LBR 9014-2(b), which date shall be 15 days after the trustee's filing of the notice;

- (2) a statement that a hearing will be scheduled and noticed to parties in interest if an objection or other response is filed; and
- (3) a statement that the Court may grant the debtor a discharge without conducting a hearing if no objection or other response is filed and served timely.

### **Rule 4001-3. Authority to Obtain Credit.**

**(a) Content of a motion.** A motion for authority to obtain credit shall substantially conform to the sample motion for authority to obtain credit provided at **Appendix 33** and shall include:

- (1) either a statement of the source(s) of the credit, the amount sought, any property to be pledged as collateral, and the repayment and security terms or a reference to an attached copy of the proposed credit agreement; and

. . .

**(b) Preliminary Hearing.** Any request for a preliminary hearing on a motion for authority to obtain credit shall be included in a separate paragraph in a motion for such authority that substantially conforms to the sample motion for authority to obtain credit provided at **Appendix 33** (a motion to shorten notice should *not* be filed). The separate paragraph shall include:

. . .

- (3) if the source(s) of the credit, a description of any property to be pledged as collateral, and or the repayment and security terms, if different than differ from those the source(s), description, or terms set forth pursuant to paragraph (a) above, either a statement of the differences or a reference to an attached copy of the proposed credit agreement setting forth those differences.

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### **Rule 4008-1. Reaffirmation Agreement.**

**(a) Cases filed prior to October 17, 2006.** A reaffirmation agreement in a case filed prior to October 17, 2006 shall substantially conform to the sample reaffirmation

agreement and declaration of attorney provided at **Appendix 39** <sup>\*</sup> (secured debt) or **Appendix 40** <sup>\*</sup> (unsecured debt) or to the revised procedural Form B 240 issued by the Administrative Office of the United States Courts on June 17, 1999.

**(b) Cases filed on or after October 17, 2006.** A reaffirmation agreement in a case filed on or after October 17, 2006 shall substantially conform to the sample reaffirmation agreement provided at **Appendix** <sup>\*</sup> or the revised procedural Form B 240 issued by the Administrative Office of the United States Courts in October 2005.

**(c) Failure to conform.** A reaffirmation agreement that does not substantially conform to the appropriate sample reaffirmation agreement or ~~the revised~~ procedural Form B 240 may not be enforceable.

#### **Rule 4072-1. Discharge of Judgments Pursuant to S.D.C.L. § 15-16-20.**

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**(e) Service of order.** The Clerk shall serve a certified copy of any order directing a clerk of court to discharge a judgment pursuant to S.D.C.L. § 15-16-20 on the movant, who shall then serve a copy of the order on the debtor(s), the judgment holder, the judgment holder's counsel at the time the judgment was entered, if known, and the entities, if any, who have filed a notice of appearance. . . .

#### **Rule 7001-1. Adversary Complaints**

A complaint to determine the dischargeability of a particular debt, or objecting to the debtor's discharge, shall specify the particular paragraph(s) of 11 U.S.C. §§ 523 or 727 under which relief is sought.

#### **Rule 7007-1. Motions in Adversary Proceedings.**

**(a) Motions to dismiss.** Any motion in an adversary proceeding shall be filed separately from any pleading. Any such motion that is combined with an answer or other pleading will not be considered or ruled on by the Court.

**(a)** . . .

**(b)** . . .

**(c)** . . .

(de) . . .

#### **Rule 7055-1. Application for Default Judgment.**

A party seeking a default judgment shall serve a copy of the application for default judgment and the supporting affidavit on the defendant and the defendant's attorney, if known.

#### **Rule 9014-1. Filing and Service of ~~Pleadings~~ Documents; Certificates of Service.**

**(a) Filing.** ~~All documents to shall be filed with the Court shall be filed on or before the same date service is made they are served on other the parties entitled to receive them. . . .~~ A If filed electronically, a document is deemed filed with the Court on the date and at the time reflected on the Court's Notice of Electronic Filing. . . .

#### **Rule 9014-3. Withdrawal of Pleadings in Contested Matters.**

**(a) ~~Statement of Withdrawal.~~** Notwithstanding Fed.R.Bankr.P. 7041 and Fed.R.Civ.P. 41(a), a party may withdraw any pleading in a contested matter either by filing a statement of withdrawal and serving the statement of withdrawal on the parties in interest, or if permitted to file electronically, by filing a "text entry" withdrawal of document and advising the parties in interest, other than those who will receive electronic notice, of the withdrawal. For the purposes of this rule, if the debtor is represented by an attorney, the parties in interest do not include the debtor, and the debtor's attorney shall be responsible for informing the debtor of the withdrawal The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the motion be served on that party. A sample statement of withdrawal is provided at **Appendix 50.**

**b) Effect of Filing ~~Statement of Withdrawal~~ on Contested Matter. . . .**

**(c) Effect of Filing ~~Statement of Withdrawal~~ on Application of Fed.R.Bankr.P. 9011(c). . . .**